

Union Calendar No. 43

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 437**

[Report No. 105-22, Parts I and II]

**A BILL**

To reauthorize the National Sea Grant College  
Program Act, and for other purposes.

APRIL 21, 1997

Reported from the Committee on Science with an amend-  
ment, committed to the Committee of the Whole House  
on the State of the Union, and ordered to be printed

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 1997

Mr. SAXTON (for himself, Mr. YOUNG of Alaska, Mr. ABERCROMBIE, and Mr. FARR of California) introduced the following bill; which was referred to the Committee on Resources

MARCH 12, 1997

Reported from the Committee on Resources, referred to the Committee on Science for a period ending not later than April 28, 1997, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(n), rule X

APRIL 21, 1997

Additional sponsors: Mr. MILLER of California, Mr. DEUTSCH, Mr. PICKETT, Mr. PALLONE, Ms. RIVERS, Mr. MANTON, Mr. LAZIO of New York, Mr. GILCHREST, Mr. HINCHEY, Ms. KAPTUR, Mr. DELAHUNT, Mr. FROST, Mr. MCHUGH, Mr. LaFALCE, Mrs. THURMAN, Mr. RIGGS, Mr. WALSH, Mrs. MORELLA, Mr. GREEN, Mrs. MINK of Hawaii, Mr. McDERMOTT, Mr. KENNEDY of Rhode Island, Mr. FRANK of Massachusetts, Mr. FALEOMAVAEGA, Mr. TRAFICANT, Mr. QUINN, Mr. KLUG, Mrs. KELLY, Mr. CLYBURN, Mr. GEJDENSON, Mrs. LOWEY, Mr. BATEMAN, Mr. BILBRAY, Mr. GOSS, Mr. EHLERS, Mr. FRANKS of New Jersey, Mr. BAKER, Mr. HORN, Mr. FOLEY, Mr. WELDON of Pennsylvania, Mr. CANADY of Florida, Mr. KENNEDY of Massachusetts, Mr. SPENCE, Ms. JACKSON-LEE of Texas, Mrs. MEEK of Florida, Mr. LATOURETTE, Mr. STEARNS, Mrs. FOWLER, Mr. BOEHLERT, Mr. STUPAK, Mr. MARKEY, Ms. SLAUGHTER, Mr. FORBES, Mr. HOYER, Mr. HASTINGS of Florida, Mr. SERRANO, Mr. FLAKE, Mr. SHAW, Mr. SCARBOROUGH, Mr. SHAYS, Mr. CARDIN, Mr. SPRATT, Mr. METCALF, Mr. MCCOLLUM, Mr. MCGOVERN, Mr. BOYD, Mr. GRAHAM, Mr. BONIOR, Ms. STABENOW, Mr.

BARCIA, Mr. CALLAHAN, Mr. BALDACCI, Mr. HILLIARD, Mr. INGLIS of South Carolina, Mr. EVANS, Mr. FILNER, Mr. WEXLER, Mr. CUNNINGHAM, Mr. PETERSON of Pennsylvania, Mr. DINGELL, Mr. BROWN of California, Mr. OBERSTAR, Ms. DELAURO, Mr. LOBIONDO, Ms. HOOLEY of Oregon, Mr. FATTAH, Mr. WEYGAND, Mr. DELLUMS, Mr. GILMAN, Mr. ACKERMAN, Mr. WELDON of Florida, Mr. BILIRAKIS, Mr. CAPPS, Mr. GILLMOR, Mr. CASTLE, Mr. ORTIZ, Mr. CALVERT, Mr. KILDEE, Mr. SABO, Mr. JONES, Mr. CAMP, Mr. TOWNS, Ms. PELOSI, and Mr. TAUZIN

APRIL 21, 1997

Reported from the Committee on Science with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

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## A BILL

To reauthorize the National Sea Grant College Program Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Marine Resources Re-  
 5 vitalization Act of 1997”.

6 **SEC. 2. AMENDMENT OF NATIONAL SEA GRANT COLLEGE**  
 7 **PROGRAM ACT.**

8 Except as otherwise expressly provided, whenever in  
 9 this Act an amendment or repeal is expressed in terms  
 10 of an amendment to, or repeal of, a section or other provi-  
 11 sion, the reference shall be considered to be made to a  
 12 section or other provision of the National Sea Grant Col-  
 13 lege Program Act (33 U.S.C. 1121 et seq.).

1 **SEC. 3. AMENDMENTS TO DEFINITIONS.**

2 (a) ~~SEA GRANT INSTITUTION.~~—Section 203 (33  
3 U.S.C. 1122) is amended by adding at the end the follow-  
4 ing new paragraph:

5 “(16) The term ‘sea grant institution’ means—

6 “(A) any sea grant college or sea grant re-  
7 gional consortium; and

8 “(B) any institution of higher education;  
9 institute, laboratory, or State or local agency  
10 conducting a sea grant program with amounts  
11 provided under this Act.”.

12 (b) ~~FIELD RELATED TO OCEAN, COASTAL, AND~~  
13 ~~GREAT LAKES RESOURCES.~~—Section 203(4) (33 U.S.C.  
14 1122(4)) is amended to read as follows:

15 “(4) The term ‘field related to ocean, coastal,  
16 and Great Lakes resources’ means any discipline or  
17 field which is concerned with or likely to improve the  
18 understanding, assessment, development, utilization,  
19 or conservation of ocean, coastal, and Great Lakes  
20 resources.”.

21 (c) ~~SECRETARY.~~—

22 (1) ~~IN GENERAL.~~—Section 203(13) (33 U.S.C.  
23 1122(13)) is amended to read as follows:

24 “(13) The term ‘Secretary’ means the Secretary  
25 of Commerce, acting through the Under Secretary of  
26 Commerce for Oceans and Atmosphere.”.

1           (2) CONFORMING AMENDMENTS.—The Act is  
2       amended—

3           (A) by striking section 203(15) (33 U.S.C.  
4       1122(15));

5           (B) in section 204(e) (33 U.S.C. 1123(e)),  
6       in the matter preceding paragraph (1), by strik-  
7       ing “ and the Under Secretary”;

8           (C) in section 209(b) (33 U.S.C. 1128(b)),  
9       as amended by this Act, by striking “, the  
10      Under Secretary,”; and

11          (D) by striking “Under Secretary” every  
12      other place it appears and inserting “Sec-  
13      retary”.

14   **SEC. 4. CONSULTATIONS REGARDING LONG-RANGE PLAN-**  
15                   **NING GUIDELINES AND PRIORITIES AND**  
16                   **EVALUATION.**

17      Section 204(a) (33 U.S.C. 1123(a)) is amended in  
18      the last sentence by inserting after “The Secretary” the  
19      following: “, in consultation with the sea grant institutions  
20      and the panel established under section 209,”.

21   **SEC. 5. DUTIES OF DIRECTOR.**

22      Section 204(e) (33 U.S.C. 1123(e)) is amended to  
23      read as follows:

24      “(e) DUTIES OF DIRECTOR.—

1           “(1) IN GENERAL.—The Director shall admin-  
2           ister the National Sea Grant College Program sub-  
3           ject to the supervision of the Secretary. In addition  
4           to any other duty prescribed by law or assigned by  
5           the Secretary, the Director shall—

6                   “(A) advise the Secretary with respect to  
7                   the expertise and capabilities which are avail-  
8                   able within or through the National Sea Grant  
9                   College Program, and provide (as directed by  
10                  the Secretary) those which are or could be of  
11                  use to other offices and activities within the Ad-  
12                  ministration;

13                  “(B) encourage other Federal depart-  
14                  ments, agencies, and instrumentalities to use  
15                  and take advantage of the expertise and capa-  
16                  bilities which are available through the National  
17                  Sea Grant College Program, on a cooperative or  
18                  other basis;

19                  “(C) encourage cooperation and coordina-  
20                  tion with other Federal programs concerned  
21                  with ocean, coastal, and Great Lakes resources  
22                  conservation and usage;

23                  “(D) advise the Secretary on the designa-  
24                  tion of sea grant institutions and, in appro-

1           prate cases, if any, on the termination or sus-  
2           pension of any such designation;

3           ~~“(E) encourage the formation and growth~~  
4           ~~of sea grant programs; and~~

5           ~~“(F) oversee the operation of the National~~  
6           ~~Sea Grant Office established under subsection~~  
7           ~~(a).~~

8           ~~“(2) DUTIES WITH RESPECT TO SEA GRANT IN-~~  
9           ~~STITUTIONS.—With respect to the sea grant institu-~~  
10          ~~tions, the Director shall—~~

11          ~~“(A) evaluate the programs of the institu-~~  
12          ~~tions, using the guidelines and priorities estab-~~  
13          ~~lished by the Secretary under subsection (a), to~~  
14          ~~ensure that the objective set forth in section~~  
15          ~~202(b) is achieved;~~

16          ~~“(B) subject to the availability of appro-~~  
17          ~~priations, allocate funding among the sea grant~~  
18          ~~institutions so as to—~~

19                  ~~“(i) promote healthy competition~~  
20                  ~~among those institutions;~~

21                  ~~“(ii) promote successful implementa-~~  
22                  ~~tion of the programs developed by the in-~~  
23                  ~~stitutions under subsection (c), and~~

24                  ~~“(iii) to the maximum extent consist-~~  
25                  ~~ent with the other provisions of this sub-~~

1 paragraph, provide a stable base of fund-  
 2 ing for the institutions; and  
 3 “(C) ensure compliance by the institutions  
 4 with the guidelines for merit review published  
 5 pursuant to section 207(b)(2).”.

6 **SEC. 6. DUTIES OF SEA GRANT INSTITUTIONS.**

7 Section 204 (~~33~~ U.S.C. ~~1123~~) is amended by adding  
 8 at the end the following new subsection:

9 “(e) DUTIES OF THE SEA GRANT INSTITUTIONS.—  
 10 Subject to any regulations or guidelines promulgated by  
 11 the Secretary, it shall be the responsibility of each sea  
 12 grant institution to—

13 “(1) develop and implement, in consultation  
 14 with the Secretary and the panel established under  
 15 section 209, a program that is consistent with the  
 16 guidelines and priorities developed under section  
 17 204(a); and

18 “(2) conduct merit review of all applications for  
 19 project grants or contracts to be awarded under sec-  
 20 tion 205.”.

21 **SEC. 7. REPEAL OF SEA GRANT INTERNATIONAL PROGRAM.**

22 (a) REPEAL.—Section ~~3~~ of the Sea Grant Program  
 23 Improvement Act of 1976 (~~33~~ U.S.C. ~~1124a~~) is repealed.

24 (b) CONFORMING AMENDMENT.—Section 209(b)(1)  
 25 (~~33~~ U.S.C. ~~1128(b)(1)~~) is amended by striking “and sec-



tion 3 of the Sea Grant Program Improvement Act of  
1976”.

**SEC. 8. DESIGNATION OF SEA GRANT INSTITUTIONS.**

Section 207 (33 U.S.C. 1126) is amended to read as  
follows:

**“SEC. 207. SEA GRANT COLLEGES AND SEA GRANT RE-  
GIONAL CONSORTIA.**

“(a) DESIGNATION.—The Secretary may designate  
an institution of higher learning as a sea grant college;  
and an association or alliance of two or more persons as  
a sea grant regional consortium, if the institution, associa-  
tion, or alliance—

“(1) is maintaining a balanced program of re-  
search, education, training, and advisory services in  
fields related to ocean, coastal, and Great Lakes re-  
sources and has received financial assistance under  
section 205 of this Act or under section 204(e) of  
the National Sea Grant College and Program Act of  
1966;

“(2) will cooperate with other sea grant institu-  
tions and other persons to solve problems or meet  
needs relating to ocean, coastal, and Great Lakes re-  
sources;

“(3) will act in accordance with such guidelines  
as are prescribed under subsection (b)(2); and

1           “(4) meets such other qualifications as the Sec-  
2       retary considers necessary or appropriate.

3       ~~“(b) REGULATIONS AND GUIDELINES.—~~

4           ~~“(1) IN GENERAL.—The Secretary shall by reg-~~  
5       ~~ulation prescribe the qualifications required to be~~  
6       ~~met under subsection (a)(4).~~

7           ~~“(2) MERIT REVIEW.—Within 6 months of the~~  
8       ~~date of enactment of the Marine Resources Revital-~~  
9       ~~ization Act of 1997, the Secretary, after consultation~~  
10      ~~with the sea grant institutions, shall establish guide-~~  
11      ~~lines for the conduct of merit review by the sea~~  
12      ~~grant institutions of project proposals for grants and~~  
13      ~~contracts to be awarded under section 205. The~~  
14      ~~guidelines shall, at a minimum, provide for peer re-~~  
15      ~~view of all research projects and require standard-~~  
16      ~~ized documentation of all peer review.”.~~

17   **SEC. 9. REPEAL OF POSTDOCTORAL FELLOWSHIP PRO-**  
18                           **GRAM.**

19       Section 208(c) (33 U.S.C. 1127(c)) is repealed.

20   **SEC. 10. AUTHORIZATIONS OF APPROPRIATIONS.**

21       ~~(a) GRANTS, CONTRACTS, AND FELLOWSHIPS.—See-~~  
22      ~~tion 212(a) (33 U.S.C. 1131(a)) is amended to read as~~  
23      ~~follows:~~

24       ~~“(a) AUTHORIZATION.—There is authorized to be ap-~~  
25      ~~propriated to carry out this Act—~~

1           ~~“(1) \$54,300,000 for fiscal year 1998;~~

2           ~~“(2) \$55,400,000 for fiscal year 1999; and~~

3           ~~“(3) \$56,500,000 for fiscal year 2000.”.~~

4           (b) ~~ADMINISTRATION.—Section 212(b) (33 U.S.C.~~  
5 ~~1131(b))~~ is amended—

6                 (1) by striking so much as precedes paragraph

7                 (2) and inserting the following:

8                 ~~“(b) ADMINISTRATION.—~~

9                         ~~“(1) LIMITATION.—Of the amount appropriated~~  
10 ~~for each fiscal year under subsection (a), no more~~  
11 ~~than 5 percent may be used for the administration~~  
12 ~~of this Act, including section 209, by the National~~  
13 ~~Sea Grant Office and the Administration.”;~~

14                 (2) in paragraph (2)—

15                         (A) by striking “subsections (a) and (c)”  
16                         and inserting “subsection (a)”; and

17                         (B) by striking “(2)” and inserting “(2)”  
18                         LIMITATION ON USE OF OTHER AMOUNTS.—”;

19                 and

20                 (3) by moving paragraph (2) 2 ems to the  
21                 right, so that the left margin of paragraph (2) is  
22                 aligned with the left margin of paragraph (1), as  
23                 amended by paragraph (1) of this subsection.

24           (c) ~~REPEAL.—Section 212 (33 U.S.C. 1131) is~~  
25 amended by repealing subsection (c) and redesignating

1 subsections (d) and (e) in order as subsections (e) and  
 2 (d).

3 **SEC. 11. CLERICAL AND CONFORMING AMENDMENTS.**

4 (a) **CLERICAL AMENDMENTS.—**

5 (1) Section 203(3) (33 U.S.C. 1122(3)) is  
 6 amended by striking “the term” and inserting “The  
 7 term”.

8 (2) Section 203(6) (33 U.S.C. 1122(6)) is  
 9 amended by moving subparagraph (F) 2 ems to the  
 10 right, so that the left margin of subparagraph (F)  
 11 is aligned with the left margin of subparagraph (E).

12 (3) The heading for section 204 (33 U.S.C.  
 13 1124) is amended to read as follows:

14 **“SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.”.**

15 (4) Section 209 (33 U.S.C. 1128) is amended  
 16 by striking all of the matter that follows the first  
 17 full sentence through “shall advise”, and inserting  
 18 “(b) DUTIES.—The panel shall advise”.

19 (5) Section 205(b)(3) (33 U.S.C. 1124(b)(3)) is  
 20 amended by striking “or section 206”.

21 (b) **CONFORMING AMENDMENTS.—**

22 (1) Section 204(b)(2) (33 U.S.C. 1123(b)(2)) is  
 23 amended by striking “maximum rate for GS-18”  
 24 and all that follows through the end of the sentence

1 and inserting “maximum rate payable under section  
2 5376 of title 5, United States Code.”.

3 ~~(2) Section 209(e)(5)(A) (33 U.S.C.~~  
4 ~~1128(e)(5)(A))~~ is amended by striking “the daily  
5 rate for GS-18 of the General Schedule under sec-  
6 tion 5332 of title 5, United States Code” and insert-  
7 ing “the maximum daily rate payable under section  
8 5376 of title 5, United States Code”.

9 ~~(3) Section 209 (33 U.S.C. 1128)~~ is amended—  
10 ~~(A) in subsection (b)(3) by striking “col-~~  
11 ~~leges and sea grant regional consortia” and in-~~  
12 ~~serting “institutions”; and~~

13 ~~(B) in subsection (c)(1) in the last sen-~~  
14 ~~tence in clause (A) by striking “college, sea~~  
15 ~~grant regional consortium,” and inserting “in-~~  
16 ~~stitution”.~~

17 **SECTION 1. SHORT TITLE.**

18 *This Act may be cited as the “National Sea Grant Col-*  
19 *lege Program Reauthorization Act of 1997”.*

20 **SEC. 2. AMENDMENT OF NATIONAL SEA GRANT COLLEGE**  
21 **PROGRAM ACT.**

22 *Except as otherwise expressly provided, whenever in*  
23 *this Act an amendment or repeal is expressed in terms of*  
24 *an amendment to, or repeal of, a section or other provision,*  
25 *the reference shall be considered to be made to a section or*

1 *other provision of the National Sea Grant College Program*  
 2 *Act (33 U.S.C. 1121 et seq.).*

3 **SEC. 3. AMENDMENTS TO DEFINITIONS.**

4 (a) *SEA GRANT INSTITUTION.*—Section 203(15) (33  
 5 U.S.C. 1122(15)) *is amended to read as follows:*

6 “(15) The term ‘sea grant institution’ means—

7 “(A) any sea grant college or sea grant re-  
 8 gional consortium, and

9 “(B) any institution of higher education,  
 10 institute, laboratory, or State or local agency  
 11 conducting a sea grant program with amounts  
 12 provided under this Act.”.

13 (b) *FIELD RELATED TO OCEAN, COASTAL, AND GREAT*  
 14 *LAKES RESOURCES.*—Section 203(4) (33 U.S.C. 1122(4))  
 15 *is amended to read as follows:*

16 “(4) The term ‘field related to ocean, coastal, and  
 17 Great Lakes resources’ means any discipline or field,  
 18 including marine research, which is concerned with  
 19 or likely to improve the understanding, assessment,  
 20 development, utilization, or conservation of ocean,  
 21 coastal, and Great Lakes resources.”.

22 (c) *SECRETARY.*—

23 (1) *IN GENERAL.*—Section 203(13) (33 U.S.C.  
 24 1122(13)) *is amended to read as follows:*

1           “(13) *The term ‘Secretary’ means the Secretary*  
 2           *of Commerce, acting through the Under Secretary of*  
 3           *Commerce for Oceans and Atmosphere.*”.

4           (2) *CONFORMING AMENDMENTS.—The Act is*  
 5           *amended—*

6                     (A) *in section 209(b) (33 U.S.C. 1128(b)),*  
 7                     *as amended by this Act, by striking “, the Under*  
 8                     *Secretary,”; and*

9                     (B) *by striking “Under Secretary” every*  
 10                    *other place it appears and inserting “Secretary”.*

11 **SEC. 4. CONSULTATIONS REGARDING LONG-RANGE PLAN-**  
 12                   **NING GUIDELINES AND PRIORITIES AND**  
 13                   **EVALUATION.**

14           Section 204(a) (33 U.S.C. 1123(a)) *is amended in the*  
 15           *last sentence by inserting after “The Secretary” the follow-*  
 16           *ing: “, in consultation with the sea grant institutions and*  
 17           *the panel established under section 209,”.*

18 **SEC. 5. DUTIES OF DIRECTOR.**

19           Section 204(c) (33 U.S.C. 1123(c)) *is amended to read*  
 20           *as follows:*

21           “(c) *DUTIES OF DIRECTOR.—*

22                   “(1) *IN GENERAL.—The Director shall admin-*  
 23                   *ister the National Sea Grant College Program subject*  
 24                   *to the supervision of the Secretary. In addition to any*

1       *other duty prescribed by law or assigned by the Sec-*  
2       *retary, the Director shall—*

3               “(A) *advise the Secretary with respect to the*  
4               *expertise and capabilities which are available*  
5               *within or through the National Sea Grant Col-*  
6               *lege Program, and provide (as directed by the*  
7               *Secretary) those which are or could be of use to*  
8               *other offices and activities within the Adminis-*  
9               *tration;*

10              “(B) *encourage other Federal departments,*  
11              *agencies, and instrumentalities to use and take*  
12              *advantage of the expertise and capabilities which*  
13              *are available through the National Sea Grant*  
14              *College Program, on a cooperative or other basis;*

15              “(C) *encourage cooperation and coordina-*  
16              *tion with other Federal programs concerned with*  
17              *ocean, coastal, and Great Lakes resources con-*  
18              *servation and usage;*

19              “(D) *advise the Secretary on the designa-*  
20              *tion of sea grant institutions and, in appro-*  
21              *priate cases, if any, on the termination or sus-*  
22              *pension of any such designation;*

23              “(E) *encourage the formation and growth of*  
24              *sea grant programs; and*



1                   “(F) oversee the operation of the National  
2                   Sea Grant Office established under subsection  
3                   (a).

4                   “(2) DUTIES WITH RESPECT TO SEA GRANT IN-  
5                   STITUTIONS.—With respect to the sea grant institu-  
6                   tions, the Director shall—

7                   “(A) evaluate the programs of the institu-  
8                   tions, using the guidelines and priorities estab-  
9                   lished by the Secretary under subsection (a), to  
10                  ensure that the objective set forth in section  
11                  202(b) is achieved;

12                  “(B) subject to the availability of appro-  
13                  priations, allocate funding among the sea grant  
14                  institutions so as to—

15                       “(i) promote healthy competition  
16                       among those institutions,

17                       “(ii) promote successful implementa-  
18                       tion of the programs developed by the insti-  
19                       tutions under subsection (e), and

20                       “(iii) to the maximum extent consist-  
21                       ent with the other provisions of this sub-  
22                       paragraph, provide a stable base of funding  
23                       for the institutions; and

1                   “(C) ensure compliance by the institutions  
 2                   with the guidelines for merit review published  
 3                   pursuant to section 207(b)(2).”.

4 **SEC. 6. DUTIES OF SEA GRANT INSTITUTIONS.**

5           Section 204 (33 U.S.C. 1123) is amended by adding  
 6           at the end the following new subsection:

7           “(e) *DUTIES OF THE SEA GRANT INSTITUTIONS.*—  
 8           Subject to any regulations or guidelines promulgated by the  
 9           Secretary, it shall be the responsibility of each sea grant  
 10          institution to—

11                  “(1) develop and implement, in consultation  
 12                  with the Secretary and the panel established under  
 13                  section 209, a program that is consistent with the  
 14                  guidelines and priorities developed under subsection  
 15                  (a) of this section; and

16                  “(2) conduct merit review of all applications for  
 17                  project grants or contracts to be awarded under sec-  
 18                  tion 205.”.

19 **SEC. 7. REPEAL OF SEA GRANT INTERNATIONAL PROGRAM.**

20          (a) *REPEAL.*—Section 3 of the Sea Grant Program  
 21          Improvement Act of 1976 (33 U.S.C. 1124a) is repealed.

22          (b) *CONFORMING AMENDMENT.*—Section 209(b)(1) (33  
 23          U.S.C. 1128(b)(1)) is amended by striking “and section 3  
 24          of the Sea Grant Program Improvement Act of 1976”.

1 **SEC. 8. DESIGNATION OF SEA GRANT INSTITUTIONS.**

2 *Section 207 (33 U.S.C. 1126) is amended to read as*  
 3 *follows:*

4 **“SEC. 207. SEA GRANT COLLEGES AND SEA GRANT RE-**  
 5 **GIONAL CONSORTIA.**

6 *“(a) QUALIFICATIONS.—The Secretary may designate*  
 7 *an institution of higher education as a sea grant college,*  
 8 *and an association or alliance of two or more persons as*  
 9 *a sea grant regional consortium, if the institution, associa-*  
 10 *tion, or alliance—*

11 *“(1) is recognized for scientific excellence;*

12 *“(2) is maintaining a balanced program of re-*  
 13 *search, education, training, and advisory services in*  
 14 *fields related to ocean, coastal, and Great Lakes re-*  
 15 *sources;*

16 *“(3) will cooperate with other sea grant institu-*  
 17 *tions and other persons to solve problems or meet*  
 18 *needs relating to ocean, coastal, and Great Lakes re-*  
 19 *sources;*

20 *“(4) will act in accordance with such guidelines*  
 21 *as are prescribed under subsection (b)(2); and*

22 *“(5) meets such other qualifications as the Sec-*  
 23 *retary, in consultation with the panel established*  
 24 *under section 209, considers necessary or appropriate.*

25 *“(b) REGULATIONS AND GUIDELINES.—*

1           “(1) *IN GENERAL.*—*The Secretary shall by regu-*  
 2           *lation prescribe the qualifications required to be met*  
 3           *under subsection (a)(5).*

4           “(2) *MERIT REVIEW.*—*Within 6 months of the*  
 5           *date of enactment of the National Sea Grant College*  
 6           *Program Reauthorization Act of 1997, the Secretary,*  
 7           *after consultation with the sea grant institutions,*  
 8           *shall establish guidelines for the conduct of merit re-*  
 9           *view by the sea grant institutions of project proposals*  
 10           *for grants and contracts to be awarded under section*  
 11           *205. The guidelines shall, at a minimum, provide for*  
 12           *peer review of all research projects and require stand-*  
 13           *ardized documentation of all peer review.*

14           “(c) *SUSPENSION OR TERMINATION OF DESIGNA-*  
 15           *TION.*—*The Secretary may, for cause and after an oppor-*  
 16           *tunity for hearing, suspend or terminate any designation*  
 17           *under subsection (a).”.*

18   **SEC. 9. REPEAL OF FELLOWSHIP PROGRAMS.**

19           *Section 208 (33 U.S.C. 1127) is repealed.*

20   **SEC. 10. AUTHORIZATIONS OF APPROPRIATIONS.**

21           (a) *GRANTS, CONTRACTS, AND FELLOWSHIPS.*—*Sec-*  
 22           *tion 212(a) (33 U.S.C. 1131(a)) is amended to read as fol-*  
 23           *lows:*

24           “(a) *AUTHORIZATION.*—*There is authorized to be ap-*  
 25           *propriated to carry out this Act—*

- 1           “(1) \$54,300,000 for fiscal year 1998;  
 2           “(2) \$55,400,000 for fiscal year 1999;  
 3           “(3) \$56,500,000 for fiscal year 2000;  
 4           “(4) \$56,500,000 for fiscal year 2001; and  
 5           “(5) \$56,500,000 for fiscal year 2002.

6 *For each of the fiscal years referred to in paragraphs (1)*  
 7 *through (5), \$2,800,000 of the amount authorized by that*  
 8 *paragraph shall be available as provided in section*  
 9 *1301(b)(4)(A) of the Nonindigenous Aquatic Nuisance Pre-*  
 10 *vention and Control Act of 1990 (16 U.S.C. 4741(b)(4)(A))*  
 11 *for competitive grants for university research on the zebra*  
 12 *mussel.”.*

13       (b) *ADMINISTRATION.—Section 212(b) (33 U.S.C.*  
 14 *1131(b)) is amended—*

15           (1) *by striking so much as precedes paragraph*  
 16 *(2) and inserting the following:*

17       “(b) *ADMINISTRATION.—*

18           “(1) *LIMITATION.—Of the amount appropriated*  
 19 *for each fiscal year under subsection (a), no more*  
 20 *than 5 percent may be used for the administration of*  
 21 *this Act, including section 209, by the National Sea*  
 22 *Grant Office and the Administration.”;*

23           (2) *in paragraph (2)—*

24           (A) *by striking “subsections (a) and (c)”*  
 25 *and inserting “subsection (a)”;* and

1                   (B) by striking “(2)” and inserting “(2)  
 2                   LIMITATION ON USE OF OTHER AMOUNTS.—”;  
 3                   and

4                   (3) by moving paragraph (2) 2 ems to the right,  
 5                   so that the left margin of paragraph (2) is aligned  
 6                   with the left margin of paragraph (1), as amended by  
 7                   paragraph (1) of this subsection.

8                   (c) *REPEAL*.—Section 212 (33 U.S.C. 1131) is amend-  
 9                   ed by repealing subsection (c) and redesignating subsections  
 10                  (d) and (e) in order as subsections (c) and (d).

11 **SEC. 11. TECHNICAL AMENDMENTS.**

12                  (a) *CLERICAL AMENDMENTS*.—

13                   (1) Section 203(3) (33 U.S.C. 1122(3)) is  
 14                   amended by striking “the term” and inserting “The  
 15                   term”.

16                   (2) Section 203(6) (33 U.S.C. 1122(6)) is  
 17                   amended by moving subparagraph (F) 2 ems to the  
 18                   right, so that the left margin of subparagraph (F) is  
 19                   aligned with the left margin of subparagraph (E).

20                   (3) The heading for section 204 (33 U.S.C. 1124)  
 21                   is amended to read as follows:

22 **“SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.”.**

23                   (4) Section 209 (33 U.S.C. 1128) is amended by  
 24                   striking all of the matter that follows the first full

1 sentence through “shall advise”, and inserting “(b)  
 2 DUTIES.—The panel shall advise”.

3 (5) Section 205(b)(3) (33 U.S.C. 1124(b)(3)) is  
 4 amended by striking “or section 206”.

5 (6) Section 204(d)(1) (33 U.S.C. 1123(d)(1)) is  
 6 amended—

7 (A) by striking “five positions” and insert-  
 8 ing in lieu thereof “one position”; and

9 (B) by striking “the maximum rate for GS–  
 10 18 of the General Schedule under section 5332”  
 11 and inserting in lieu thereof “a rate established  
 12 by the Secretary, not to exceed the maximum  
 13 daily rate payable under section 5376”.

14 (b) TECHNICAL AMENDMENT.—Section 209(c)(5)(A)  
 15 (33 U.S.C. 1128(c)(5)(A)) is amended by striking “the daily  
 16 rate for GS–18 of the General Schedule under section 5332”  
 17 and inserting “a rate established by the Secretary, not to  
 18 exceed the maximum daily rate payable under section  
 19 5376”.

20 (c) CONFORMING AMENDMENTS.—(1) Section  
 21 204(b)(2) (33 U.S.C. 1123(b)(2)) is amended by striking  
 22 “maximum rate for GS–18” and all that follows through  
 23 the end of the sentence and inserting “maximum rate pay-  
 24 able under section 5376 of title 5, United States Code.”.

25 (2) Section 209 (33 U.S.C. 1128) is amended—

1                   (A) in subsection (b)(3) by striking “colleges  
2                   and sea grant regional consortia” and inserting  
3                   “institutions”; and

4                   (B) in subsection (c)(1) in the last sentence  
5                   in clause (A) by striking “college, sea grant re-  
6                   gional consortium,” and inserting “institution”.

7   **SEC. 12. SUNSET.**

8           *The National Sea Grant College Program Act is*  
9   *amended by adding at the end the following new section:*

10   **“SEC. 213. SUNSET.**

11           *“This Act is repealed, effective October 1, 2002.”.*

12   **SEC. 13. LIMITATIONS.**

13           (a) *PROHIBITION OF LOBBYING ACTIVITIES.*—None of  
14   *the funds authorized by section 212(a), as amended by this*  
15   *Act, shall be available for any activity whose purpose is*  
16   *to influence legislation pending before the Congress, except*  
17   *that this subsection shall not prevent officers or employees*  
18   *of the United States or of its departments or agencies from*  
19   *communicating to Members of Congress on the request of*  
20   *any Member or to Congress, through the proper channels,*  
21   *requests for legislation or appropriations which they deem*  
22   *necessary for the efficient conduct of the public business.*

23           (b) *LIMITATION ON APPROPRIATIONS.*—No sums are  
24   *authorized to be appropriated to the Secretary of Commerce*  
25   *for fiscal years 1998 through 2002 for the activities for*



1 *which sums are authorized by section 212(a), as amended*  
2 *by this Act, unless such sums are specifically authorized to*  
3 *be appropriated by such section 212(a).*

4 *(c) ELIGIBILITY FOR AWARDS.—*

5 *(1) IN GENERAL.—The Secretary of Commerce*  
6 *shall exclude from consideration for grant agreements*  
7 *made by that agency after fiscal year 1997 any per-*  
8 *son who received funds, other than those described in*  
9 *paragraph (2), appropriated for a fiscal year after*  
10 *fiscal year 1997, under a grant agreement from any*  
11 *Federal funding source for a project that was not sub-*  
12 *jected to a competitive, merit-based award process.*  
13 *Any exclusion from consideration pursuant to this*  
14 *subsection shall be effective for a period of 5 years*  
15 *after the person receives such Federal funds.*

16 *(2) EXCEPTION.—Paragraph (1) shall not apply*  
17 *to the receipt of Federal funds by a person due to the*  
18 *membership of that person in a class specified by law*  
19 *for which assistance is awarded to members of the*  
20 *class according to a formula provided by law.*

21 *(3) DEFINITION.—For purposes of this sub-*  
22 *section, the term “grant agreement” means a legal in-*  
23 *strument whose principal purpose is to transfer a*  
24 *thing of value to the recipient to carry out a public*  
25 *purpose of support or stimulation authorized by a*

1        *law of the United States, and does not include the ac-*  
2        *quisition (by purchase, lease, or barter) of property or*  
3        *services for the direct benefit or use of the United*  
4        *States Government. Such term does not include a co-*  
5        *operative agreement (as such term is used in section*  
6        *6305 of title 31, United States Code) or a cooperative*  
7        *research and development agreement (as such term is*  
8        *defined in section 12(d)(1) of the Stevenson-Wydler*  
9        *Technology Innovation Act of 1980 (15 U.S.C.*  
10       *3710a(d)(1))).*

11    **SEC. 14. NOTICE.**

12        *(a) NOTICE OF REPROGRAMMING.—If any funds au-*  
13        *thorized by section 212(a), as amended by this Act, are sub-*  
14        *ject to a reprogramming action that requires notice to be*  
15        *provided to the Appropriations Committees of the House of*  
16        *Representatives and the Senate, notice of such action shall*  
17        *concurrently be provided to the Committees on Science and*  
18        *Resources of the House of Representatives and the Commit-*  
19        *tee on Commerce, Science, and Transportation of the Sen-*  
20        *ate.*

21        *(b) NOTICE OF REORGANIZATION.—The Secretary of*  
22        *Commerce shall provide notice to the Committees on*  
23        *Science, Resources, and Appropriations of the House of*  
24        *Representatives, and the Committees on Commerce, Science,*  
25        *and Transportation and Appropriations of the Senate, not*

1 *later than 15 days before any major reorganization of any*  
 2 *program, project, or activity of the National Sea Grant Col-*  
 3 *lege Program.*

4 **SEC. 15. BUY AMERICAN.**

5       (a) *COMPLIANCE WITH BUY AMERICAN ACT.*—No  
 6 *funds appropriated pursuant to section 212(a), as amended*  
 7 *by this Act, may be expended by an entity unless the entity*  
 8 *agrees that in expending the assistance the entity will com-*  
 9 *ply with sections 2 through 4 of the Act of March 3, 1933*  
 10 *(41 U.S.C. 10a-10c, popularly known as the “Buy Amer-*  
 11 *ican Act”).*

12       (b) *SENSE OF CONGRESS.*—In the case of any equip-  
 13 *ment or products that may be authorized to be purchased*  
 14 *with financial assistance provided under section 212(a), as*  
 15 *amended by this Act, it is the sense of Congress that entities*  
 16 *receiving such assistance should, in expending the assist-*  
 17 *ance, purchase only American-made equipment and prod-*  
 18 *ucts.*

19       (c) *NOTICE TO RECIPIENTS OF ASSISTANCE.*—In pro-  
 20 *viding financial assistance under section 212(a), as amend-*  
 21 *ed by this Act, the Secretary of Commerce shall provide to*  
 22 *each recipient of the assistance a notice describing the state-*  
 23 *ment made in subsection (a) by the Congress.*